

**Colorado Supreme Court Rules of Juvenile Procedure Committee
Minutes of February 2, 2024 Meeting**

I. Call to Order

The Rules of Juvenile Procedure Committee came to order around 9:00 AM via videoconference.

Members present for the meeting were: Judge Craig Welling, Chair; Judge (Ret.) Karen Ashby; David P. Ayraud; Jennifer Conn; Traci Engdol-Fruhworth; Magistrate Randall Lococo; Judge Ann Gail Meinster; Zaven “Z” Saroyan; Judge Traci Slade; Anna Ulrich; Pam Wakefield; Abby Young. Justice Richard Gabriel, Liaison; Terri Morrison; and J.J. Wallace were also present as non-voting members.

Members excused from the meeting were: Judge David Furman; Judge Priscilla J. Loew; Trent Palmer; Josefina Raphael-Milliner; Professor Colene Robinson

Meeting Materials:

- (1) Draft Minutes of 12/1/2023 meeting**
- (2) Memo Re Adjudicatory Hearing Rule**
- (3) Drafting Subcommittee Workplan**

II. Chair’s Report

- A. The 12/1/23 meeting minutes were approved.

III. New Business

- A. **Drafting Subcommittee: Memo Re Removing Evidence Section from the Adjudicatory Hearing Rule**

Justice Gabriel recapped the memo to the committee on the issue. He added that he believed this section was a remanent of the committee’s choice to provide one-stop shopping and adds that the committee has revisited that choice. He invited other drafting subcommittee members to weigh in. Anna Ulrich mentioned that, although this section is grounded in statutory authority, the subcommittee felt adding these provisions to the rules proved more confusing and harmful because adding them could suggest they be given more significance than warranted.

No one voiced any objection to removing the section. The question was called and the recommendation to remove the section passed unanimously.

B. April 5th Meeting

The Chair asked members to raise their hand if the April 5th meeting conflicts with their participation in the convening. Most members present raised their hand, so the April meeting was cancelled.

IV. Old Business

A. C.R.J.P. 4.6 Disclosures and Discovery in Dependency and Neglect Cases

The Colorado Supreme Court has requested written public comments on proposed [Rule 4.6 of the Colorado Rules of Juvenile Procedure](#). Public comments may be submitted in letter format addressed as follows: Colorado Supreme Court, 2 E. 14th Avenue, Denver, CO 80202 or attached as a separate document to an email in Word or PDF format. Comments may be emailed to supremecourtrules@judicial.state.co.us.

B. New Legislation Subcommittee

Anna believed that the purpose of this group was to apply the 1038 subcommittee model to look at recent legislation. She mentioned that there was a bill regarding children's rights this year, but she didn't think it would have much impact on rules. Magistrate Lococo was familiar with legislation being introduced impacting delinquency, especially around current deficiencies with treatment and detention, but was not aware of any other legislation that would impact rules.

C. Requiring Ex Parte Emergency Removal Hearings to be on the Record

Z Saroyan explained that he sent an email right before the holidays asking for feedback on recording emergency orders. He indicated that did not get much feedback, so he re-sent the email recently. J.J. forwarded the email to committee members during the meeting. Members should feel free to weigh in. In response, some members described their processes for emergency orders in their jurisdictions.

Z asked if it made sense to do a rule requiring recording if it's during regular business hours and then referring after-hours orders to the best practices teams in the jurisdictions.

One member with rural jurisdiction experience would prefer maintaining flexibility because the ability to record may be difficult. She also didn't want a recording requirement to put children's safety at issue.

Judge Meinster echoed the comments on the logistical difficulty with recording. She inquired about the problem recording would solve. Z indicated that it makes sense that a parent have access to the information provided to secure the emergency order and understood that jurisdictions probably need flexibility.

Terri Morrison wanted the committee to keep in mind that, if recording were a legislative requirement, judicial would put a fiscal note on it because there are

costs involved. She explained that there is not automatic financial availability for something like this.

The Chair suggested continuing the conversation and threw out the idea of a pilot project in a jurisdiction who was willing to take this on.

V. Adjourn

Other announcements: The Child Welfare Appeals group is doing another report soon. Judge Moultrie is taking over the subcommittee on ICWA.

Also, some committee members' terms are ending in June. Those members will be getting an email asking whether you are able to continue on the committee. The committee will also be welcoming new members.

The meeting adjourned around 9:40 AM. The next meeting is June 7th via Webex.

2024 Meeting Schedule: June 7; August 2; October 4; December 6.

Respectfully Submitted,

J.J. Wallace

Staff Attorney, Colorado Supreme Court